

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 19-24, 26, 28-32, 35-36, 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodrich (US 3,807,626) in view of Arakawa et al (US 2004/0011677).

In re Claims 1, 3, 19-21, 26, 35, and 41, Goodrich, Figure 9, teaches a bag comprising a cover section (51), a bag section (55), an open end (Figure 1) the cover section arranged to enclose the bag section, a closable region (56) and in the closable region, an internal face of at least one of the respective first and second walls is attached and/or attachable to an adjacent external face of a wall of the bag section (Figures 9 and 10) by heat sealing (Goodrich, Column 4, Lines 52-59), the attachment being such that the cover section is removable without compromising the seal of the bag section (Figures 15-17).

Goodrich does not teach a closeable mouth defined in a wall of the bag section for access in use to the interior of the bag section. In fact Goodrich is silent as to how the inner bag opens once removed from the cover section. Arakawa et al discloses a bag with a closure in the front wall (Figure 4) with a resealable label. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the bag as taught by Goodrich by placing a closure on the front wall of the bag section as taught by Akawara et al.

In re Claim 2, the combination further teaches the open end of the bag section being sealed after filling by heat sealing the bag section walls together in the closable region (Goodrich, Column 4, Lines 52-59).

In re Claims 4 and 5, the combination discloses the heat seal closes only the bag section (55) in the area (56).

In re Claims 22-23, and 38-39, the combination further teaches a first closure flap (103) overlying and closing said mouth (106) including a first attached region which is peelably attached ([0059], Lines 4-8), and a line of weakness (104) such that a portion of said first closure flap may be peeled away from said bag section wall to reveal the mouth ([0069]).

In re Claims 24 and 40, the combination teaches a closure flap that extends into the closeable region (Akawara et al, Figure 4).

In re Claims 28-31, Goodrich teaches a mouth in the outer bag to allow access to the inner bag section. Goodrich does not teach a closeable mouth. However, it would have been obvious to one of ordinary skill in the art to modify the opening in the outer bag as taught by Goodrich with the resealable label as taught by Akaware et al. Providing a resealable label on the outer bag would allow a user to place the bag section back in the outer bag for later use.

In re Claim 32, the resealable label includes a tab (105) for gripping when opening the cover section.

In re Claim 36, is a product-by-process Claim in which the combination meets the structural limitations of the Claim.

2. Claims 10, and 13-18, 25, 27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied to claim 3, 5, 24, and 36 above, and further in view of Applicant admitted prior art.

In re Claims 10, 13-18, 25, 27, and 37, Applicant admits on Page 13, Lines 29-30 that the choice of material to achieve the desired heat seal in the closable region is within the knowledge and skill of the person skilled in the art. Additionally, Applicant admits on Page 14, Lines 28-31, that the relative areas of printed and non-printed areas can be determined by simple experiment by person of ordinary skill in the art. Thus it would have been obvious to one of ordinary skill in the art to select materials and printed and non-printed area to achieve the seal covered by the limitations of Claims 3-6, 10, 13-18, 27, and 37.

3. Claims 6-7, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied to Claims 1 and 10 (respectively) above, and further in view of Beer (US 6,280,085).

In re Claims 6-7, and 11-12, the combination teaches the claimed invention except for the first and second walls are removably heat sealed to the bag section in separably attached areas. Beer discloses a cover that is removably heat sealed around its periphery to a bag section (Column 4, Lines 34-39). It would have been obvious to

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one of ordinary skill in the art at the time the invention was made to removably heat seal the cover to the bag section along two sides, as taught by Beer.

4. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination in view of Beer as applied to claim 7 above, and further in view of Applicant admitted art. Applicant admits on Page 13, Lines 29-30 that the choice of material to achieve the desired heat seal in the closable region is within the knowledge and skill of the person skilled in the art. Additionally, Applicant admits on Page 14, Lines 28-31, that the relative areas of printed and non-printed areas can be determined by simple experiment by person of ordinary skill in the art. Thus it would have been obvious to one of ordinary skill in the art to select materials and printed and non-printed area to achieve the seal covered by the limitations of Claims 8-9.

### ***Response to Arguments***

5. Applicant's arguments filed June 23, 2009 have been fully considered but they are not persuasive.

6. Applicant argues that Goodrich does not disclose the bag section being heat sealed to the cover section, but instead discloses the bag being adhesively attached. Goodrich uses a heat activated adhesive to seal the sections together, making it heat sealed. As such, applicant's argument is unpersuasive.

7. Applicant further argues that claim 6 is not admitted prior art. Examiner agrees that the inclusion of claim 6 in paragraphs 29 and 30 of the previous action was a typo

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in error, but notes that the claim was properly rejected (along with claim 7) in paragraphs 31 and 32. As such, applicant's argument is moot.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK H. MORGAN JR whose telephone number is (571)272-3385. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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